

REMARKS

Claims 1-12 remain under active prosecution in the present application. Applicants respectfully assert that all amendments are supported by the original disclosure and do not introduce new matter. Moreover, Applicants further respectfully assert that the amendments merely clarify the scope of the claims.

In response to their obligation under 35 CFR 1.56, Applicants herein confirm that all claims were commonly owned, specifically, the assignee at the time of filing was acquired by the successor assignee.

In the subject Office Action dated February 23, 2004, claims 1-4, 6-9, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Katz (US Patent 5,553,120). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Katz in view of Hou et al. (US Patent 5,325,421). Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Katz in view of Hammarström et al. (US 6,044,142). The rejections are traversed.

A claim is anticipated under 35 U.S.C. § 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. The identical invention must be shown in as complete detail as is contained in the claim. MPEP 2131. Similarly, to establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. Applicants submit that neither a single reference cited by the examiner, nor the combination of references cited by the examiner, teaches all of the limitations recited in the pending claims.

In particular, but not by way of limitation, it is submitted that Katz fails to teach the passing of out of band call destination information comprising Dialed Number Identification Service (DNIS) information associated with a call before the call arrives at a port of an IVR unit. Instead, Katz simply teaches the passing of automatic number identification (ANI) information through an audio response unit to a calling-number test unit before the call is answered. (Col. 3, ll. 55-67). One of ordinary skill in the art would immediately appreciate that DNIS information is inherently different from ANI information (i.e. the number to which a call is placed versus the

number from which a call is placed, respectively). In addition, while Katz may teach the utilization of DNIS information to select a specific "operating format" (e.g. Col. 4, ll. 30-31), Katz fails to teach the passing of such information out of band before a call arrives at an IVR port. Thus, the claims contain several limitations not taught by any of the references cited by the examiner. In light of the foregoing, applicants respectfully request withdrawal of the rejections.

Claims 7 and 8 were objected to for the typographical error of typing the word "parts" instead of "ports." These mere typographical errors have been corrected by the amendments set forth above. Accordingly, the applicants respectfully request withdrawal of the objection to claims 7 and 8.

Conclusion

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative, David Franklin at (513) 651-6856 or dfranklin@fbtlaw.com.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 7, 2004

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